

REMARKS

Claims 1-13 and 36-42 are pending. In an Office Action mailed November 16, 2006, claims 14-35 were withdrawn by the Examiner in a constructive election. Claims 5, 6, 8-10 and 42 were rejected as indefinite under 35 U.S.C §112, second paragraph. Claims 1-10 and 36-42 were rejected as anticipated by U.S. Patent No. 5,309,363 to Graves et al. ("Graves"). Claims 11-13 were further rejected as obvious over Graves. This Amendment amends claims 1, 5 and 8-10. No new matter has been added.

Examples of support for the amendments to claim 36 can be found at least at page 1, line 16 – page 2, line 18; page 3, lines 10-13; page 4, lines 1-2; page 10, lines 11-26; and throughout the specification.

Examples of support for new claim 43 can be found at least at page 1, lines 12-16; page 5, lines 12-24; page 11, lines 11-28; and throughout the specification.

Applicants thank the Examiner for the courtesy extended to Applicants' representative during the phone interview conducted February 7, 2007, a summary of which is presented below.

Restriction / Constructive Election

Claims 14-35 were withdrawn by the Examiner in a constructive election. As discussed during the phone interview, Applicants have identified these claims as "withdrawn." Applicants reserve the right to file one or more divisional or continuation applications directed to the subject matter of these claims.

35 U.S.C. §102 Rejections: Graves Does Not Teach or Suggest Application Environments As Recited in the Claims.

During the phone interview conducted February 7, 2007, the Examiner suggested that the application environments described in the specification and recited in the claims are not well defined in the art. However, the application environments recited in the claims (see, e.g., claims 1, 9, 10 and 36) are well defined in the present specification:

“The PSD within a closed system provides all the functionality and security required by United States Postal Service Information Based Indicia Program (IBIP). The use of a ZIP code is not required. In a closed system, the printing function is integral to the device in which the PSD is located.

“The PSD within an open system performs as does that in a closed system except that this application requires the user/operator to input the recipient’s ZIP code. ... In an open system, the printing function is performed externally to the device in which the PSD is located.

“The applications in which the PSD(s) are located in a remote Data Center provide for customer installations where the PSD is ‘virtual’ to the customer. That is, the PSD is physically located at a secure data center remote from the customer sites.”

Specification, p. 1, line 22 – p. 2, line 15. The specification further describes drawbacks suffered by traditional postal devices after being assigned to one of these environments:

“[S]hould the market be such that one of the above environments is losing its attractiveness to customers, the vendor, which is required by United States Postal Service regulations to own the PSDs, could be left with a useless inventory of PSDs that are specific to one of the noted environments. Further, should a customer of one of the environments choose to switch to another environment, the new environment necessitates a new PSD since it is generally not possible to move that customer’s PSD to the new environment.”

Page 2, lines 20-32. In contrast, the claims recite devices and methods that allow a PSD to be moved from one application environment to another. For example, claim 1 recites, in relevant part, a device having storage “for storing information assigning said device to operate in an initial application environment,” and a communication interface “for changing said information so as to **assign said device to a new remotely located external application environment** for servicing the device.” The other independent claims recite similar limitations.

Graves fails to teach or suggest a communication interface for assigning a device to a new remotely located external application environment. Graves only describes licensing or registering a postal meter to a user or location by loading data such as “name, street address, and telephone number of the licensee, the address and telephone number at which the electronic postage meter is located, and the name and address of the post office, station, or branch which is to supervise the postage meter.” Col. 7, lines 44-64; col. 12, lines 15-38. This information may be used to assign the postage meter to a physical location, but it is unrelated to any **application**

environments as recited in the claims. Specifically, there is no indication in Graves that re-registering or re-licensing a postal device as described by Graves can allow the device to be used in a different application environment. The devices described in Graves therefore would suffer the same problems as traditional PSDs described in the specification. Although Graves seems to describe different application environments (*e.g.*, an open system at FIG. 4(a) and related text, and a closed system at FIG. 4(b) and related text), there is no teaching or suggestion that the same device may be **moved** from one application environment to another.

The portions of Graves cited by the Examiner do not remedy the defects identified above. The Examiner identified Figure 1, item 195 and column/lines 4/38-53 and 7/58-8/10 as describing “a second storage for storing information...and a communications interface...for changing said information.” However, the cited passages merely describe storing and changing the phone number that a postage meter calls to reload its postage and the identification (name, address, and phone number) of the licensee (col./line 7/58-8/10), purchasing postage with a credit card (col./line 4/38-53), and a modem (item 195). The Office Action does not indicate where Graves describes moving a funds storage device from one application environment to another. This is unsurprising, since Graves provides no such disclosure. In fact, the stored information identified by the Examiner is unrelated to the application environment in which a postage meter is used. As previously described, Graves simply does not describe or suggest that a funds storage device may be moved between different application environments.

For at least the reasons given above, the independent claims therefore are not anticipated by Graves, and withdrawal of the rejection and reconsideration is respectfully requested.

35 U.S.C. §103 Rejections

Claims 11-13 and 37 were rejected as obvious over Graves because “printed matter that is not functionally related to an apparatus does not distinguish the claimed apparatus from the prior art.” Office Action, p. 6. However, these claims are allowable at least for the reasons given above with respect to the independent claims. The additional portions of Graves cited in support of the §103 rejections do not remedy the defects of Graves identified above. Withdrawal of the rejections and reconsideration is respectfully requested.

35 U.S.C. §112 Rejections

Claims 5, 6, 8-10 and 42 were rejected as indefinite under 35 U.S.C. §112, second paragraph. Applicants respectfully submit that the claims as amended do not recite features “in terms of ‘possibility’” (Office Action, p.4) and therefore the rejection is moot. Withdrawal of the rejection and reconsideration is respectfully requested.

Interview Summary

The following summary of the telephone interview conducted February 7, 2007 is presented as required by M.P.E.P. §713.04. Matters discussed during the interview are also reflected in the amendments and remarks presented herewith. No exhibits or demonstrations were shown or conducted. The independent claims were discussed generally. Graves was discussed. The Examiner mentioned U.S. Patent No. 5,682,318 to Kara during discussion of the cited art; this patent is listed on an Information Disclosure Statement submitted herewith. Amendments further describing the application environments and various method steps were discussed. The Examiner argued that the application may not define over the prior art; however, the Examiner did not identify where in the cited art the claimed elements can be found. The Examiner and Applicants’ representative discussed additional claims and amendments consistent with the amendments presented herewith.

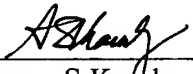
Conclusion

Based on the above remarks, Applicants believe the claims are in condition for allowance. The Commissioner is authorized to charge any fees or credit any overpayment to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Respectfully submitted,

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